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Remarks

Claims 1-28 were pending in the application. Claims 1-12 and 26-28 were rejected. Claims 13-25 were withdrawn. No claims were merely objected to and no claims were allowed. By the foregoing amendment, claims 7, 8, and 11-13 are canceled, claims 1 and 9 are amended, and claims 29-31 are added. No new matter is presented.

Claim Objections

Claims 3-5, 8, and 12 were objected to as being in improper dependent form. Applicant respectfully traverses the rejection.

Regarding claims 3-5, the identified fluids are positively recited and therefore form elements of the claimed apparatus. If the examiner believes alternative wording would better achieve this result, he is invited to propose such wording. Regarding claims 8 and 12, the foregoing amendment renders this moot.

Claims Rejections-35 U.S.C. 103

Claims 1-12 and 26-28 were rejected under 35 U.S.C 103(a) as being unpatentable over Bunge (US Patent 6,394,793) in view of Wang (US Patent 4,407,487). Applicant respectfully traverses the rejection.

Bunge relates to the quenching of forged turbine disks. These are relative massive superalloy components. Wang relates to the continuous cooling of sheet metal. Slabs and billets are only off-handedly mentioned without any supporting disclosure. Furthermore, Wang does not appear to identify forgings or any other convolutedly shaped workpieces. Thus, the differences in situation between Bunge and Wang do not lead one to attempt the combination. Furthermore, Wang substantially predates Bunge. Had the combination been obvious, Bunge would have been expected to have made the combination himself.

No citation was made in the Office action for the motor and linkage of claims 7 and 28, the "means for providing relative movement..." of claim 11, the "means for moving the workpiece..." of claim 26, or the oscillation of claim 27. Thus, even if the basic combination of references were proper, it does not suggest the subject matter of these claims.

Claim 7 has been placed in independent form as amended claim 1. Claim 11 has been

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placed in independent form as amended claim 9. New claim 29 is supported by original claim 28 with slightly broadened wording (e.g., removing the term "continuous"). New claim 30 is supported by claim 26 but expressly references first and second means. New claim 31 is a structural analogue to claim 26 and is further supported by as-filed claim 7.

Insufficient Application of 35 U.S.C. 112(6) and Premature Finality

At page 4, the Office action identified "the frame and slide in figure 1" of Bunge as the claimed means (e.g., of claim 26). This is deficient in several areas.

First, the rejection was not sufficiently articulated in the first Office action as required by 35 U.S.C. 132(a) and 37 CFR 1.104(b). Only in the present Office action was the asserted means even cryptically identified. Accordingly, the present finality is premature.

Second, the present Office action failed to apply 35 U.S.C. 112(6) which is unambiguously invoked by the present use of "means" in the claims. In the present specification, the subject means and function and associated structure are discussed starting at paragraph 0070 with reference to FIGS. 12-14.


The Office action appears to take the position that the means is inherent in whatever brings the upper and lower two groups of Bunge together. However, this interpretation is clearly inappropriate under 35 U.S.C. 112. For example, FIG. 11 of the present application shows motors 330 and 332 for bringing the two groups together. This is not identified as the claimed means in the present application. Thus, the present application distinguishes the claimed means from the minimum inherent structure involved in bringing the two groups together. This, does not, however, disclaim coverage of systems and methods that may involve integration of the two functions and their associated structure.

Furthermore, there is clearly no suggestion in Bunge for the claim 27 oscillation, let alone the particular linkage of claim 28 which converts continuous motor rotation in a first direction into oscillation of the fixture.

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Accordingly, Applicant submits that claims 1-6, 9, 10, and 26-31 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted this 20th day of June, 2006 to the USPTO, at Fax No. (571)-273-8300.


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